

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) Examiner: Shaw, S.
Vahasalo, et al.)
Serial No.: 09/973,205) Art Unit: 3737
Filed: 10/9/2001) Confirmation: 5802
For: WIRELESS)
CONTROLLER AND)
APPLICATION)
INTERFACE FOR AN MRI)
SYSTEM)
Date of Last Office Action:)
March 15, 2004)
Attorney Docket No.:) Cleveland, OH 44114
PKRZ 2 00668) June 9, 2004

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RULE 131 DECLARATION

The undersigned inventors hereby make a showing of prior invention to swear behind the references, US 6,495,146 filed September 24, 2001 (Frelburger), "Motorola to Provided Embedded Bluetooth Computing Solutions", 04/2001 (Motorola 1), and "Motorola: Motorola Unveils Strategy to Provide Embedded Bluetooth Computing Solutions", 04/2002 (Motorola 2), used to reject the instant patent application. The following is a showing that establishes conception of the invention prior to the effective date of the reference(s) coupled with due diligence to subsequent filing of the application. 37 C.F.R. § 1.131(b)

The undersigned inventors hereby declare that they jointly conceived the invention described and claimed in U.S. Application (Serial No. 09/973,205) prior to April 1, 2001.

The jointly made invention of the named inventors was described in attached Exhibit A, the Marconi Medical Systems Invention Disclosure document, which document was created prior to April 1, 2001.

As Exhibit A shows, the date of conception occurred prior to April 1, 2001. The document was signed by both Seppo T. Vahasalo and Gösta J. Ehnholm, the inventors. The document was witnessed in December 2000.

The Invention Disclosure was forwarded to outside counsel for preparation of a patent application in December 2000.

The outside counsel interviewed the inventors by telephone and prepared a cost estimate letter in February 2001. Also, in February 2001, the inventors supplemented the original Disclosure.

A draft application was forwarded to the inventors in April 2001.

In May 2001, replacement copies of the drawings were forwarded to the inventors.

At the end of May 2001, the inventors sent comments to the in-house patent coordinator, but did not copy the outside counsel preparing the application.

In August 2001, the miscommunication of the inventors' comments was discovered and the inventors forwarded their comments to outside counsel.

A revised application was forwarded to the inventors for signature on September 4, 2001. The "revised application" is the same as the application as filed.

The "revised application" was signed by the inventors on October 1, 2001 and filed on October 9, 2001.

All elements of claims 15 and 16 are found in Section 4(e) of Exhibit A. The disclosed WebPad running HTML browser application is a wireless receiving means with an operator display means and an operator input means. The disclosed Bluetooth communication protocol operates between wireless communication means.

Regarding claims 1 and 7, Exhibit A, Section 4(a), calls for a control system for an MRI scanner which is understood to include the first six paragraphs of claim 1. Section 4(e) discloses a wireless interface that uses the Bluetooth communication protocol, i.e., all of the limitations that Motorola 1 was cited to show.

Claim 11 and dependent claims 10 and 12-14 are inherently disclosed in Exhibit A. The Bluetooth communication for which Motorola 1 was cited is expressly set forth in Section (e).

Regarding the rejection of claims 1, 7, 10-14, and 19-21, Exhibit A, as discussed above, shows all of the claim limitations including all of the limitations that Frelburger, Motorola 1, and Motorola 2 were cited to show.

Because the applicants have removed Frelburger, Motorola 1, and Motorola 2 by showing prior invention of the limitations for which each was cited, it is submitted that all rejections must fail.

The applicants hereby reaffirm that 1) Exhibit A was created prior to April 1, 2001, 2) all named inventors in Exhibit A invented the subject matter of the claims under rejection prior to April 1, 2001, and 3) due diligence was taken to see the disclosure to filing in the USPTO.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Seppo T. Vahasalo

Inventor's signature Seppo T. Vahasalo

Date: June 10, 2004

Residence: Malmströmintie 17,
02400 Kirkkonummi, Finland

Citizenship: Finland

Post Office Address: Malmströmintie 17,
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Full name of second joint inventor: Gösta J. Ehnholm

Inventor's signature Gösta J. Ehnholm

Date: June 10, 2004

Residence: Fredriksgatan 23B9,
00120 Helsinki, Finland

Citizenship: Finland

Post Office Address: Fredriksgatan 23B9,
00120 Helsinki, Finland

MARCONI MEDICAL SYSTEMS FINLAND
INVENTION DISCLOSURE and APPROVAL.

1. Descriptive title of invention:

Wireless controller and application interface for a MRI system.

2. Name(s), title(s), and Home address(es) of inventors, their citizenship:

Seppo Vahasalo, Malmströmintie 17, 02400 Kirkkonummi, Finland.

Gösta Ehnholm, Fredriksgatan 23B9, 00120 Helsinki, Finland.

3. Stage of development:

a. Date of conception:

[REDACTED]

b. First disclosure to others:

[REDACTED] Vantaa, concept and its value as invention discussed with Dr. Gösta Ehnholm who pointed out applicability to standard/accessory parts of the system.

c. First commercial use or publication: Not known at the moment.

4. Technical description of invention:

a. general purpose of the invention:

To provide operator of MRI system possibility to move freely in or nearby the imaging suite with access to all needed controls for the system. To couple standard or accessory parts to the system without use of cables.

b. previous methods, materials or devices giving same or similar function of inv. Traditionally the user interface or a limited set of controls or connection for a system part is provided for the user with a fixed location or within a range limited by an interconnecting cable.

c. prior art: Describe and list any and all information which may be material to the examination of the patent application (other patents, publications, other products etc.): -

d. disadvantages of prior art:

Control of the system requires the user to remain at the point of fixed controls. Data communication through cables may introduce additional noise

e. describe the invention and how it works.

Invention uses any sort of portable computer, including mobile phone, to create the visual implementation of user interface or user controls. Typical example would be a so called WebPad running HTML browser application. An electromagnetic link, exemplified with so called Bluetooth controller but not limited to it, provides the means to communicate control or data signals within the system or to equipment connected to the MRI system.



f. alternate ways of making the invention.

Use of mobile phones over phone network system to control any part of MRI system or equipment related to it. Use of fast optical links for the above purpose. Use of wireless local area networks to implement the interface.

g. advantages of the invention over prior art:

When the location of user or system part is not restricted to a predined area or limited by cables, new ways to apply the system are possible.

h. features of the invention believed to be new.

Wireless controls and data flow within the system, especially wireless user interface, possibility to apply standard components to implement this.

5. Statement and signatures of inventors:

I (we) the undersigned, am (are) to my (our) best knowledge the only and rightful inventor(s). I (we) agree to sign all the needed documents for protecting the invention. I (we) consider the following coefficients, defined in the Marconi Medical Systems Finland Procedure for Employee Inventions, to apply for this case:

Task coeff.=	Solution coeff.=	Inventor coeff.=	Signature of Inventor.
3	3	3	<u>S. V.</u> STV
3	3	3	<u>J. Gunn</u> GJE

6. Signature and statement of Marconi Medical Systems Finland:

This invention has been disclosed and received. It is saved as
Q:\PATENTS\DIS321.DOC

Date: December 1, 2000

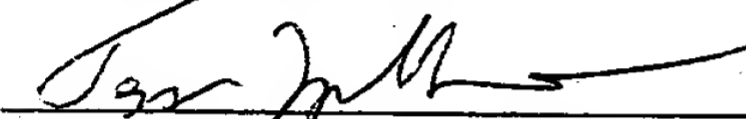
Hannele Hämäläinen
Hannele Hämäläinen. R&D Secretary.

APPROVALS:

7. Marconi Medical Systems Finland takes possession of the invention:
yes (X) no ().


T. Jyrkkio, Managing Director
Date: 12/8/00

8. Phase I: Patent Search, Report and Attorney's Summary of
Anticipated Scope.


T. Jyrkkio, Managing Director.
Date: 12/8/00

T.B. Gurin, Intellectual Property Manager
Date:

9. Phase II: Prepare and file first application.
Country: _____ Estimated cost: _____

Vice President & General Counsel
Date:

Vice President, Business Unit.
Date:

10. Phase III: Prepare and submit additional Applications:

Countries: _____

Vice President & General Counsel
Date:

Vice President, Business Unit.
Date:

PI Docket # _____